

## **Committee:** Overview and Scrutiny Commission

**Date:** 4 July 2019

**Subject:** Analysis of the Annual Member Scrutiny Survey 2019

Lead officer: Julia Regan, Head of Democracy Services

Lead Member: Councillor Peter Southgate, Chair of the Overview and Scrutiny Commission

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### **Recommendations:**

- A. That the Overview and Scrutiny Commission considers the findings arising from the 2019 Member Survey.
  - B. That the Overview and Scrutiny Commission agrees the proposed actions to be taken forward to improve the effectiveness of scrutiny (actions run throughout the report and are listed in Appendix 4).
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## **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. For the Overview and Scrutiny Commission to consider the findings from the 2019 Member Survey and the proposed actions to be taken forward to improve the scrutiny function.

## **2. DETAILS**

### **Background**

- 2.1. Each year the scrutiny team carries out a survey to collect the views of Merton councillors and co-opted scrutiny members about how scrutiny is working - where things work well, where things do not work quite so well, and how they can be improved. The survey also evaluates the effectiveness of the scrutiny function as a whole and with the different workstreams that make up overview and scrutiny.

### **Key findings**

- 2.2. Overall, the results from this year's survey are positive:
  - Overall effectiveness: Regarding the overall effectiveness of scrutiny, 62% of respondents rated scrutiny as completely or somewhat effective
  - Task groups: Task group work was once again rated the most effective element of scrutiny with 76% rating it as completely or somewhat effective
  - Scrutiny team: Satisfaction with the team and each aspect of its work remained positive with respondents giving the team an overall satisfaction rating of 93%.
- 2.3. However, on each measure the figures are lower than last year and the comments provided by respondents (set out in full in Appendix 2) indicate some feeling that scrutiny has become stale and requires fresh impetus. The planned review of our scrutiny function by the Centre for Public Scrutiny and the recent publication of new statutory guidance on overview and scrutiny are therefore very timely and will assist the council in identifying appropriate action to improve performance over the coming year. Members will be interviewed as part of the review and the Commission will

receive results at its meeting in September, alongside a draft action plan that it will be able to shape.

### **3. ALTERNATIVE OPTIONS**

- 3.1. Whilst there is no statutory requirement to undertake an annual member survey, the findings enable members' satisfaction with the scrutiny process at Merton to be measured against previous years and to develop actions to improve the scrutiny process year on year.

### **4. CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. The member survey is conducted for a minimum of three weeks each year.

### **5. TIMETABLE**

### **6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. None directly relating to the member survey itself. However, some actions arising from the findings of the survey year on year may have resource implications that need to be taken into consideration. The cost of this would be met from existing budgets.

### **7. LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. None relating to this report.

### **8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. It is a fundamental aim of the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement. The findings of the member survey are reported to the Overview and Scrutiny Commission that is open to the public.

### **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1. None relating to this report.

### **10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. None relating to this report.

### **11. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- 11.1. Appendix 1: Member Survey 2019 – analysis and detailed findings
- 11.2. Appendix 2: Verbatim comments from Members
- 11.3. Appendix 3: List of proposed action points

## Member Survey 2018

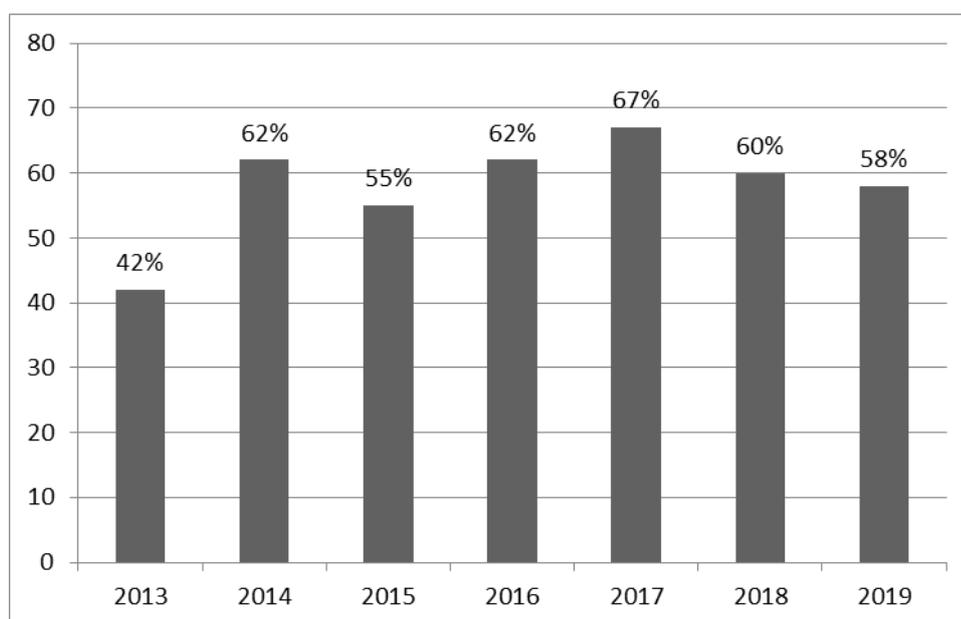
### Survey respondents

1. The 2019 member survey was sent out to sixty councillors and four co-opted members giving a survey cohort totalling 64 members.

### Response rate

2. The survey was completed by 37 councillors but no co-opted members, giving an overall response rate of 58%. In 2018 the survey was completed by 35 councillors and three co-opted members, giving an overall response of 60%.
3. The response rate has fluctuated in previous years with a dip in the year following local elections, with subsequent increases in years 3 and 4:

Diagram 1: Member survey response rate

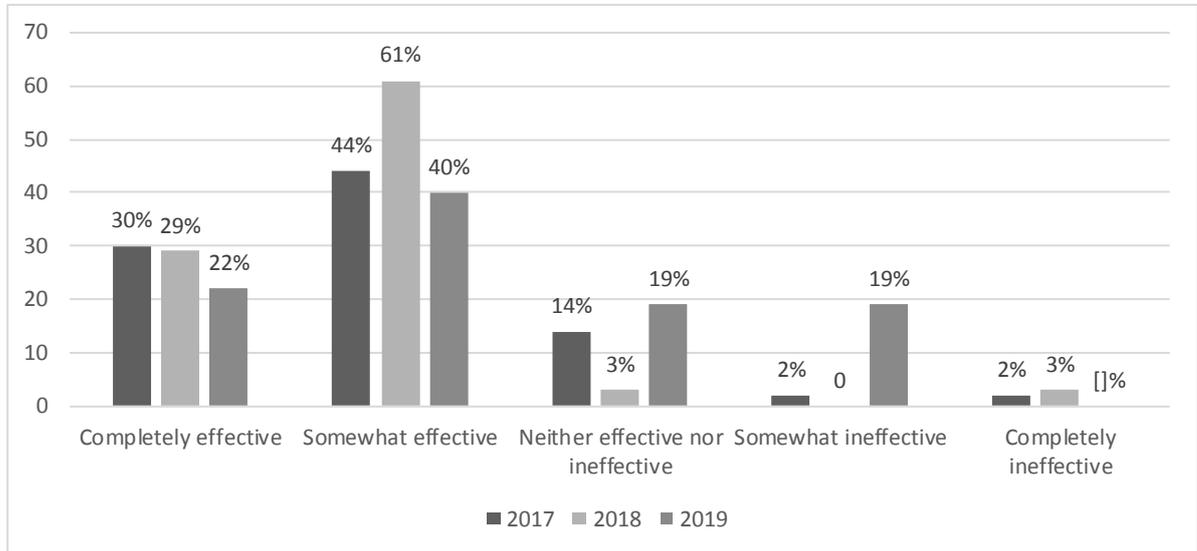


4. The majority of respondents have been actively involved in the scrutiny process over the past year:
  - 24 are members of the Overview and Scrutiny Commission or a scrutiny panel
  - 9 are 'other non-executive members'
  - 4 are Cabinet Members
  - 41% of respondents have sat on a Task Group
  - 55% have attended a scrutiny meeting as a visiting member to observe/make a contribution
  - 9 respondents have had no involvement with scrutiny this year (nonetheless, their contribution is welcome)

## Effectiveness of the scrutiny function

5. The survey asked respondents to consider the overall effectiveness of scrutiny. A comparison with the results from the last two years shows that the proportion of respondents who consider scrutiny to be effective overall has decreased in 2019:

Diagram 2: The overall effectiveness of scrutiny



6. The increase in the proportion of respondents rating scrutiny as “somewhat ineffective” is notable and warrants further investigation. A number of the comments made on the survey form indicate that members feel that the current culture around scrutiny needs to be challenged and refreshed, for example comments on how scrutiny could be improved included these responses:

*“A difficult one, but there needs to be a wider cultural change; scrutiny should be genuine. As an opposition councillor it doesn’t feel to me that all majority party councillors are particularly interested in scrutinising and challenging the work of the administration. And that indeed, democracy needs scrutiny to make better decisions.”*

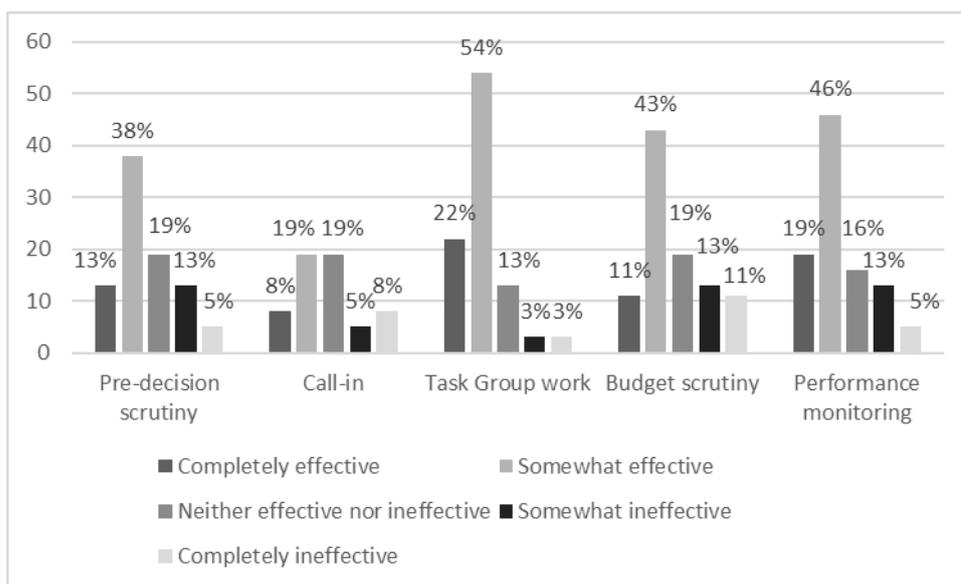
and

*“Based on my experience, I believe a refresh is needed of Scrutiny with a full review to explore all possible options of improvement. There are too many Councillors not able or prepared to pay an active role in scrutinising decisions that are made. It can often feel like a tick box exercise. Steps should be taken to empower more councillors from all parties to play an active and leading role in scrutiny.”*

### ACTION POINT

7. The Centre for Public Scrutiny has been asked to address organisational and member culture within its review of the scrutiny function. In particular, the discussions with members will seek to clarify the points raised through the member survey, seek to understand why those points were made and what action can be taken to address and improve the effectiveness of scrutiny in Merton.

**Diagram 3: The effectiveness of the different aspects of scrutiny in 2018/19**



### **Pre-decision scrutiny**

8. 51% rated the effectiveness of pre-decision scrutiny as completely or somewhat effective in 2018/19. This is a steep fall from the 82% of respondents who rated pre-decision scrutiny as completely or somewhat effective in 2017/18. Comments made by respondents indicate a lack of awareness of the extent of pre-decision scrutiny that is carried out and a dissatisfaction with the way that pre-decision scrutiny is managed:

*“As a member of the Commission I am unaware of any pre-decision scrutiny save for vague comments to it occurring. I have a vague feeling that the Cabinet is influenced by what the Commission says but can’t point to specifics”*

and

*“I managed to make a recommendation on a pre-decision scrutiny issue. This was passed only because the wording had been agreed with the cabinet member and Director in advance, and this “bought” the support of majority group councillors on the Panel”.*

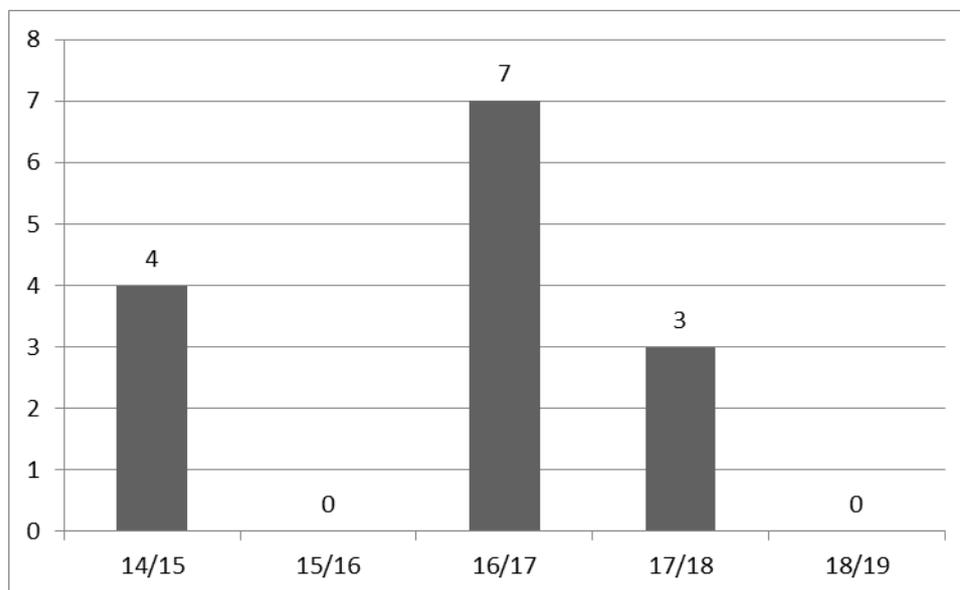
#### **ACTION POINT**

9. To use the Centre for Public Scrutiny review as an opportunity to discuss whether pre-decision scrutiny, when it occurs, is clearly recognised as such and whether the impact of scrutiny on Cabinet decisions through pre-decision scrutiny should be publicised.
10. To use the CfPS review and subsequent action plan to identify how the processes through which pre-decision scrutiny is undertaken could be improved.

## Call-ins

11. Call-in continues to be an area with the lowest rates of satisfaction. It is the most political element of scrutiny and does not usually result in a request to Cabinet to review its decision. There were no call-ins in the last municipal year.

Diagram 4: The number of call-ins each year for the last five municipal years



## Task groups

12. Task group work was once again rated the most effective element of scrutiny. The overall ratings for task group work declined compared to last year with a fall from 85% to 76% of respondents considering task group work to be completely or somewhat effective, with a corresponding increase from 3% to 13% selecting the neither effective nor ineffective rating.
13. Comments made by respondents indicate both perspectives:

*“The Air Quality findings and Scrutiny task group team were able to look at support needed for people with dementia or early stage of dementia , the outcome of the finding shows that more funding was one of the main concern for appropriate services to be delivered . that was influenced by Cabinet-decision as a good cause for funding and better service for people with Dementia.”*

and

*“The task groups work well but make little progress in panels that are loaded with administration back benchers”.*

## Budget scrutiny

14. The effectiveness of budget scrutiny continues a slight downward trend with a rating of 54% (compared to 69% in 17/18 and 72% in 16/17). This may reflect the realities of such tight budgets giving scrutiny little opportunity for influence.
15. Two members cited budget scrutiny as an example of where scrutiny has had an impact on decision making by Cabinet, including the agreement to reconsider proposed savings relating to the registry office building.

## Performance monitoring

16. The effectiveness of performance monitoring has also slightly decreased since last year, with 65% respondents agreeing that it was completely or somewhat effective this year compared to 68% last year and 77% in 2017.
17. Two of the panels (Children & Young People and Sustainable Communities) have appointed performance monitoring leads and receive regular data reports at their meetings.

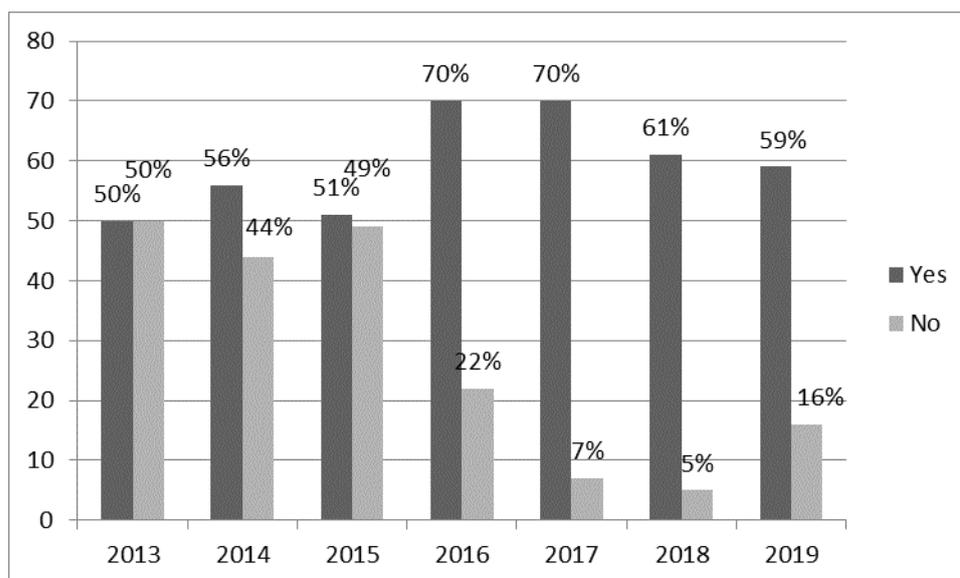
### ACTION POINT:

18. For the Chair of the Overview and Scrutiny Commission and the Head of Democratic Services to use the CfPS review as an opportunity to explore why overall satisfaction levels are down.

## Scrutiny Agendas/Workload

19. Only 59% of respondents agreed that Commission/Panel agendas are the correct length. This is the second year running in which this measure has been below the 70% target set for scrutiny, which is disappointing.

Diagram 5: Are Commission/Panel agendas the correct length?



20. The pressure of work on the Sustainable Communities Panel has resulted in lengthy agendas and an additional meeting being required in this and previous years.
21. The topic suggestion process and subsequent informal workshops to prioritise selection of agenda items are intended to help members to select those items that are of importance to the public, related to underperforming service area or issues on which scrutiny can have an impact. This should result in manageable workloads. One member's comment has summed this up:
22. *"Choose the priority topics and do them well rather than selecting too many".*

## Development of the Commission/Panel Work Programmes

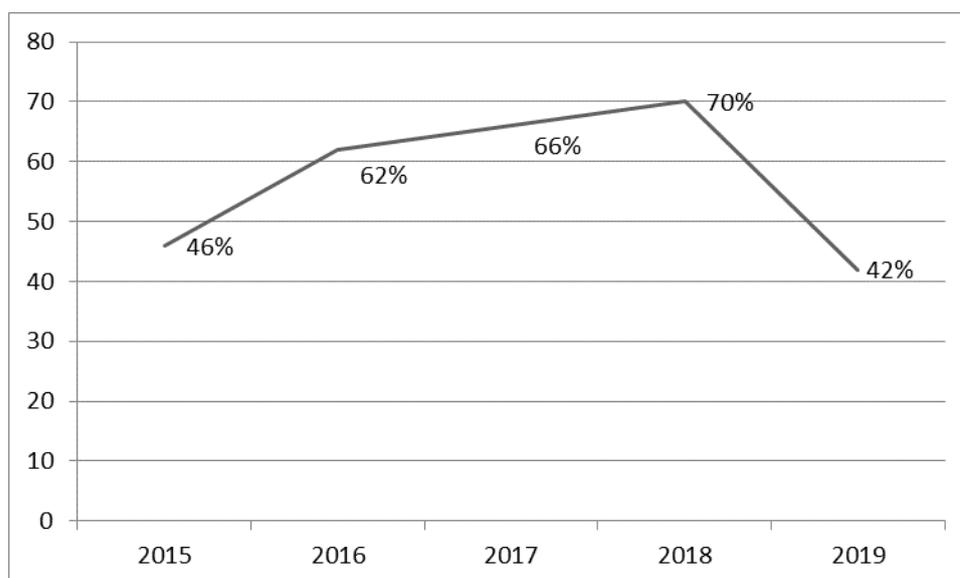
23. This year 70% of respondents agreed they have the opportunity to contribute to the development of the Commission/Panel work programmes. A lot of effort is put in to encouraging all members to participate in making topic suggestions and attending the topic selection workshops so it is good to see this reflected in a high score, though this has fallen from an even higher 79% in 2018 (but 70% in 2017).

## Scrutiny impact on decision making by the Cabinet

24. This year councillors feel decision-making by the Cabinet has been influenced to some extent by comments from the Commission and Panels; 43% (with 19% strongly) for the Commission and 41% (with 19% strongly) for the Panels. This gives an average rating of 42% of members agreeing scrutiny has had a positive impact on decision making by the Cabinet. This is a decline on last year's rating of 70% and the reversal of a five year trend – is this a real change in scrutiny's influence on decision making by Cabinet or a change only in members' perception of scrutiny's influence?

### Diagram 6: Has scrutiny had an impact on Cabinet decision-making?

(% saying it has had a positive impact)



25. In their comments, members have cited a number of instances of impact on Cabinet including budget scrutiny, diesel levy, climate change, air quality and terms of the parking consultation. There was also one general positive comment – “*they have listened to discussions especially on the budget and have revisited their ideas.*”
26. A number of the comments indicated frustration with both the operation of scrutiny and the response by Cabinet:

*“In my experience I have seen little evidence that Scrutiny has any impact on Cabinet decisions. I am not confident that the commission or Panels make sufficiently radical recommendations to the Cabinet, or apply pressure to ensure their recommendations are adopted”*

27. In particular there is a belief that scrutiny is stale and that it needs a shake-up and that this could be achieved through greater sharing of scrutiny chairs across the four political groups and by scrutiny councillors stepping up to take a more active role in providing critical friend challenge to Cabinet:

*“Scrutiny needs a shake up. It is too comfortable. The allocation and appointment of committee chairs should follow the Select Committee procedures to ensure that there is 'new blood' with an appetite for change and challenge. If their policies are good and well thought through the Administration should have nothing to fear and a lot to gain from answering difficult questions eg consideration of alternative options and evidential base for drawing logical conclusions”*

**ACTION POINT**

28. To use the Centre for Public Scrutiny review as an opportunity to discuss the views that scrutiny is stale and needs a shake-up as well as considering how scrutiny chairs are allocated, appointed or elected.

**Better organisation**

29. The survey provided a list of actions that could be taken to improve the organisation of scrutiny business and respondents were asked to tick all the items that they supported:

Diagram 7: In what ways do you think scrutiny business might be better organised?

	2019	2018
More use of external experts to provide context and challenge	73%	50%
Background policy guidance provided	73%	41%
Cross-party pre-meetings to agree lines of questioning for some agenda items	49%	38%
Councillors supported to conduct their own individual reviews	38%	18%
Commission/Panels to be more selective when setting agendas	32%	44%
Guidance provided on possible questions to be asked at meetings	27%	44%
More meetings to accommodate all the items	19%	21%

30. Almost three-quarters of respondents agreed that they would like to see more use of external experts and to receive background policy guidance. It is interesting that this has increased considerably since last year, perhaps in response to the invitation of more external speakers and links to background documents circulated by the scrutiny team in the past year, as well as an increased number of visits arranged for scrutiny members.

31. There is also a clear wish from respondents for more thought to be given to lines of questioning on some agenda items in advance of meetings, either through cross-party pre-meets, guidance provided by scrutiny officers or questions being

discussed at the previous meeting (as the Commission does for the Borough Commander).

- 32. An increased number of respondents this year expressed interest in councillors being supported to carry out their own reviews. Actioning this will require careful thought to ensure the subject selected is appropriate, that the councillor has the necessary skills and time and that the scrutiny team has the capacity to provide support.

**ACTION POINT**

- 33. The Chair of the Overview and Scrutiny Commission and the Head of Democracy Services should review previous experience of individual councillor reviews in Merton and elsewhere and draw up guidance for the use of this method of scrutiny.

**34. Quality of evidence presented to overview and scrutiny**

- 35. 62% of respondents said that the evidence presented to overview and scrutiny has been good and meets the needs of the session. The 87% recorded in 2018 was the highest rating for four years and it is therefore disappointing to see this dip again. It would be helpful to know if respondents had specific instances in mind and if they have any suggestions for how this could be improved.

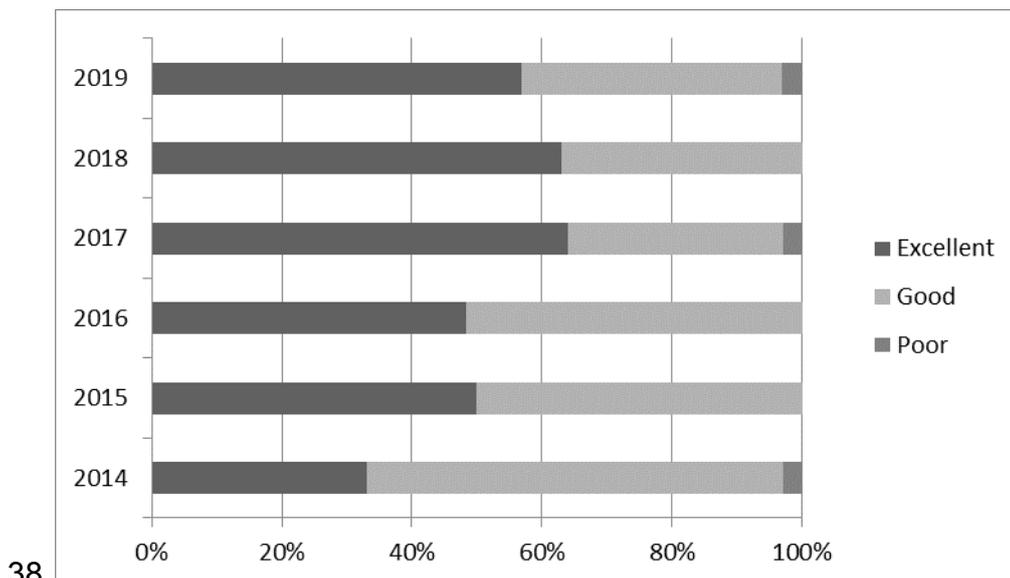
**ACTION POINT**

- 36. Members of the Commission to be asked to suggest ways in which the quality of evidence presented to scrutiny could be improved.

**Support from the Scrutiny Team**

- 37. Satisfaction levels remain high, with 92% of respondents rating the support provided by the scrutiny team as excellent(54%) or good (38%). There were a number of positive comments made about the team including “*Merton is fortunate in having one of the best scrutiny teams in London*”.

Diagram 8: Satisfaction with scrutiny team



38.

39. Members were also invited to rate their level of satisfaction with different aspects of the scrutiny team's work:

- Speed of responses to enquiries = 81% (84% in 2018)
- Quality of response to enquiries = 78% (84% in 2018)
- Quality of email communications = 79% (90% in 2018)
- Quality of verbal communication = 79% (84% in 2018)
- Quality of task group reports = 80% (84% in 2018)

40. The ratings are all slightly down on last year but still very positive overall. Hopefully this is a corollary of the decline in satisfaction with the scrutiny function as a whole rather than with the performance of the team. It may also be a consequence of having carried a vacancy from September to December 2018.

#### ACTION POINT

41. Any specific feedback from members on how the performance of the scrutiny team could be improved would be gratefully received by the Head of Democracy Services.

### **Members' training and development needs**

42. The skills and knowledge, which members bring to the overview and scrutiny process, are crucial to its effectiveness, so the survey asked what scrutiny related training and development opportunities they would like to have provided in the coming year:

Diagram 9: Demand for member training

Budget scrutiny	59%
How to monitor performance and interpret data	52%
Questioning skills	38%
Chairing and agenda management skills	31%
Report writing	14%

#### ACTION POINT

43. The Head of Democracy Services will work with the new Head of HR to ensure training is provided to scrutiny councillors and to bring proposals to the Commission. Some dates have already been identified:

- budget scrutiny  
The Director of Corporate Services will provide a briefing prior to the November and January rounds of budget scrutiny meetings. Dates are 7 January 2020 and a late October date to be confirmed.
- how to monitor performance and interpret data  
A training session will be designed in consultation with the scrutiny chairs.

- questioning skills

A training session with an external provider was held in October 2018. The Head of Democracy Services will write to members to find out what their current needs are and will report back to the Commission with proposals to address those needs.

- chairing and agenda management

A training session with an external provider will be held on 2 July 2019.

**Verbatim comments from Members**

**Question 7:** Please give examples of where the Commission and/or Panels have had a demonstrable impact (other than on Cabinet decision-making):

- Actively including borough residents in the process (particularly task groups) has enabled them to feel more involved in and understand decision-making, even if recommendations are not subsequently adopted
- Panels can sometimes get wider public impact by going directly to people and having big public meeting, 'house select committee' style reviews in key topics affecting the public.
- Allowing reasonable discussion across all parties.
- HCOP - taking evidence from CIL to hold benefits assessors to account
- Scrutiny of the property portfolio and tenancies
- I struggle on this although I don't want to blame Peter. The system is inherently flawed in my view as the leader of the council clearly has far too much influence on the appointment of scrutiny chairs. I also understand that, on some scrutiny panels at least, some parties whip which seems wholly contrary to the ethos of scrutiny.
- When substituting on the Commission, I have always found that officers take the process seriously and engage positively. I am not confident however that what is said in meetings necessarily influences officer work.
- Agreed to reconsider looking at the Registry Office in Morden Park to see if it could be used for income generating venue.
- The budget planning process
- I struggle to think of good examples as Scrutiny in Merton is currently ineffective at holding the administration to account
- N/A - Cross-party support would ideally give a demonstrable impact, but never is the case due to the dominant administration's Councillors.
- Performance monitoring & bringing important items onto the work agenda.
- Holding outside bodies to account e.g. DWP.
- The road safety programme is having a demonstrable effect on road users, however, methods has been implemented for safer roads and Air quality performance.

**Question 9:** In what ways do you think the Commission/Panel business might be better organised?

- Vice-chairs receiving the same briefing that goes to the chairs of the committee. involvement in reviewing external speakers rather than just the chair's discretion. more opportunity for non-committee members to give a verbal statement to the committee on subjects featuring on the agenda
- Needs to be more challenge. If Councillors are not participating in discussions at OSC or panels why be there? Smaller panels, more task groups and rapporteurs. Apart from a token non Administration Chair (in post for 13 years) there is no fresh approach and panels are chaired by Administration 'old lags'! Can't be effective on that basis, it's a delusion
- There needs to be an overhaul of the appointment of chairs and members which should be by secret ballot of backbenchers as per Parliamentary select committees
- To take a select committee approach
- Less cllrs from the administration  
More cross party chairs
- Given that I don't sit on any it is difficult to comment - but that in turn is part of problem as I don't really know how to get involved or get questions placed by colleagues or even what I should be asking them!?!
- More opportunities for Councillors to follow up on lines of questioning  
Greater influence for back benchers in choosing chairs

**Question 12:** How satisfied are you with the various aspects of the scrutiny team's work?

- Julia is a real asset to the Merton team. She always produces excellent reports and often provides useful insight.
- Julia does very well in leading her team and preparing the chairs of the committees
- Merton is fortunate in having one of the best scrutiny teams in London
- The team are very professional but they are constrained by limitations of scope and enthusiasm of Councillors to engage proactively.
- They are hardworking and committed but need councillors to show the same tenacity
- The task groups work well but make little progress in panels that are loaded with administration back benchers
- Excellent support from scrutiny officers
- Again - any doubts in my mind are simply from my not fully understanding the processes yet. But overall my dealings with scrutiny have always been fantastic (this relates more to Q11, where I feel I should say why good and not excellent)
- Sometimes scrutiny meetings are deliberately rushed when the opposition councillors/public residents are given the opportunity to question/speak.
- The team are good but clearly more resource is needed to be more effective  
Reductions in funding mean council decisions often need more scrutinising not less

**Question 14:** Please use this box for any further comments/suggestions you have about the overview and scrutiny function, including how it can be improved.

- A difficult one, but there needs to be a wider cultural change; scrutiny should be genuine. As an opposition councillor it doesn't feel to me that all majority party councillors are particularly interested in scrutinising and challenging the work of the administration. And that indeed, democracy needs scrutiny to make better decisions.
- I have found it a steep learning curve!
- A new way needs to be found to encourage the administration to not put 'yes men' on the panels or have chairs who try to shut down debate. Possibly even consider rotating the chairs of committees to other parties or having a members election (select committee style) to get on to the committee. Too often administration cllrs ask daft and meaningless questions and the only members doing their job is the opposition parties.
- In the final analysis, scrutiny depends on the willingness and capacity of members to determine the agenda and deliver outcomes that add value for Merton residents
- Scrutiny needs a shake up. It is too comfortable. The allocation and appointment of committee chairs should follow the Select Committee procedures to ensure that there is 'new blood' with an appetite for change and challenge. If their policies are good and well thought through the Administration should have nothing to fear and a lot to gain from answering difficult questions eg consideration of alternative options and evidential base for drawing logical conclusions
- I have high hopes for the forthcoming review and am happy for my comments to NOT be given prominence if it is thought they will be counter-productive in achieving long term reform.
- It would be useful and more open if all parties were represented at all panels
- On occasions a speaker needs to be time bound. Even when told of this, prior to the meeting by the scrutiny officer, they want to read the document/report that they are presenting. This can be a difficult matter to deal with, without offending the guest. Perhaps Chairs need guidance on the most appropriate manner in which to tackle this without offending outside speakers.
- Based on my experience, I believe a refresh is needed of Scrutiny with a full review to explore all possible options of improvement. There are too many Councillors not able or prepared to play an active role in scrutinising decisions that are made. It can often feel like a tick box exercise. Steps should be taken to empower more councillors from all parties to play an active and leading role in scrutiny.
- Scrutiny in this borough is stale, not refreshed since 2008. The Chair is complacent
- Choose the priority topics and do them well rather than selecting too many.
- A proper review of our scrutiny function by an independent expert such as Prof Leach

- Scrutiny in Merton needs to be invigorated – it gives the feeling of going through the motions. Therefore, it is my belief that after 13-years that a change in the lead of scrutiny is required as there is a feeling of a "token" non-Administration Cllr in charge. There is no innovation and most of the administration Cllrs don't contribute. There should be more cross-party Chairs to make scrutiny more robust - there is lack of real challenge, evidenced by little acknowledgement by Cabinet of the need to make changes
- Not re scrutiny - but just soooo much more training please! As a 'new councillor' even one year on, no other job would require to know everything from day one yet not really tell you how to do it!?!
- Honestly, I am still on the learning curve, but would welcome more training where needed.

**List of proposed action points**

1. The Centre for Public Scrutiny has been asked to address organisational and member culture within its review of the scrutiny function. In particular, the discussions with members will seek to clarify the points raised through the member survey, seek to understand why those points were made and what action can be taken to address and improve the effectiveness of scrutiny in Merton. (paragraph 7)
2. To use the Centre for Public Scrutiny review to discuss whether pre-decision scrutiny, when it occurs, is clearly recognised as such and whether the impact of scrutiny on Cabinet decisions through pre-decision scrutiny should be publicised. (paragraph 9)
3. To use the CfPS review and subsequent action plan to identify how the processes through which pre-decision scrutiny is undertaken could be improved. (paragraph 10)
4. For the Chair of the Overview and Scrutiny Commission and the Head of Democratic Services to use the CfPS review as an opportunity to why overall satisfaction levels are down. (paragraph 18)
5. To use the Centre for Public Scrutiny review as an opportunity to discuss the views that scrutiny is stale and needs a shake-up as well as considering how scrutiny chairs are allocated, appointed or elected. (paragraph 28)
6. The Chair of the Overview and Scrutiny Commission and the Head of Democracy Services should review previous experience of individual councillor reviews in Merton and elsewhere and draw up guidance for the use of this method of scrutiny. (paragraph 33)
7. Members of the Commission to be asked to suggest ways in which the quality of evidence presented to scrutiny could be improved. (paragraph 36)
8. Any specific feedback from members on how the performance of the scrutiny team could be improved would be gratefully received by the Head of Democracy Services.(paragraph 41)
9. The Head of Democracy Services will work with the new Head of HR to ensure training is provided to scrutiny councillors and to bring proposals to the Commission. (paragraph 43)

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